

David e. Delk  
Procurement Coordinator  
Housing Authority of Portland  
135 SW Ash St., 5<sup>th</sup> Fl  
Portland, OR 97204

RE: *Determination Whether Project is Subject to Prevailing Wage Rate (10-2697)*  
Project: Ainsworth Court Apartments (#10-7)  
Requested by: Housing Authority of Portland

Dear Mr. Delk:

On October 19, 2010, you submitted a request on behalf of the Housing Authority of Portland (“HAP”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by November 9, 2010, and therefore, the commissioner issues the following determination:

#### **FINDING OF FACT**

1. HAP proposes to contract and manage the reconstruction of an apartment complex on property currently owned by HAP at 1515 N. Ainsworth Street in Portland, known as the Ainsworth Court Apartments.
2. Ainsworth Court Apartments is an 88-unit, multi-family complex. Buildings are 1 and 2 story structures. The scope of work is “Energy Efficiency Improvements,” which includes replacing the centralized oil hot water system, replacing the 1944 galvanized domestic water distribution system, and abating the original abandoned radiant heat piping that has asbestos containing material. The scope also includes “Dwelling Improvements,” which consists of rebuilding the concrete porches, concrete paving, asphalt paving, metal fabrication and landscaping.
3. Funding for the project consists of Portland Development Commission Tax Increment Financing and Oregon Housing and Community Services General Housing Account Program Grants. The anticipated cost is \$1.2 million; no federal funds will be used.

#### **CONCLUSIONS OF LAW**

1. The proposed project is publicly owned and contracted for by a public agency. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(A) applies to this project.

2. No exemptions as listed in ORS 279C.810(2) apply to this project.

## **DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR 839, Division 025, will apply to the Ainsworth Court Apartments (#10-7) project.

This determination is based on the agency's file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

## **REQUEST FOR A RECONSIDERATION**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

## **RIGHT TO A HEARING**

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, OR 97232

If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

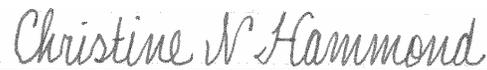
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated associate, you must be

represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: November 16, 2010

Brad Avakian, Commissioner  
Bureau of Labor and Industries

A handwritten signature in cursive script that reads "Christine N. Hammond". The signature is written in black ink and is positioned above a horizontal line.

Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## **Certificate of Service**

On November 16, 2010, I mailed the Prevailing Wage Rate Determination for the Ainsworth Court Apartments (#10-7) project to the requestor and public agencies associated with this project, as follows:

David e. Delk  
Procurement Coordinator  
Housing Authority of Portland  
135 SW Ash St., 5<sup>th</sup> Fl  
Portland, OR 97204

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Lois Banahene  
Compliance Manager  
Wage and Hour Division  
Bureau of Labor and Industries